

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case AS1439 4738
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*This document relates to: ANTOINETTE McCARTHY, INDIVIDUALLY, AND AS THE DAUGHTER OF EMERIC J. HARVEY, and JENNIFER CASTELANO, INDIVIDUALLY, AND AS THE DAUGHTER OF EMERIC J. HARVEY, PLAINTIFFS, v. THE KINGDOM OF SAUDI ARABIA, DEFENDANT.*

CASE 1: 16-CV-08884-GBD SN

**NOTICE TO CONFORM TO  
CONSOLIDATED AMENDED COMPLAINT**

Plaintiffs in the previously filed case styled as ANTOINETTE McCARTHY & JENNIFER CASTELANO v. THE KINGDOM OF SAUDI ARABIA file this Notice to Conform to Lead Plaintiffs' Consolidated Amended Complaint as to the Kingdom of Saudi Arabia ("Kingdom" or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("the SHC"), ECF No. AS1439 or 4738, as permitted and approved by the Court's Order of May 3, 2017, ECF No. AS1439 or 4738

Upon filing of this Notice to Conform, plaintiffs' underlying Complaint, ECF No. AS1439 or 4738 deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the Consolidated Amended Complaint, as well as all causes of action specified below. The amendment affected through this Notice to Conform supplements by incorporation into, but does not displace, plaintiffs' underlying Complaint. This Notice to Conform relates solely to Saudi Arabia and the SHC, and does not apply to any other defendant, as to which plaintiffs' underlying Complaint and any amendments thereto are controlling.

**VENUE**

1. Plaintiffs' case is part of the multi-district proceeding *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN), established by the Judicial Panel on Multi-

District Litigation for coordinated or consolidated pre-trial proceedings in the United States District Court for the Southern District of New York.

### **IDENTIFICATION OF PLAINTIFFS**

2. Plaintiffs filing this Notice to Conform are identified in their underlying Complaint, AS1439 or 4738 ECF No. 1, which are incorporated herein by reference.

3. Plaintiffs have described their particular injuries and the nexus between those injuries and the September 11<sup>th</sup> attacks in their underlying Complaint which allegations are incorporated herein by reference.

### **CAUSES OF ACTION**

4. Plaintiffs hereby adopt and incorporate herein by reference the following causes of action set forth in the Lead plaintiffs' Consolidated Amended Complaint in the multi-district litigation proceeding entitled *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN) (check all that apply):

- COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. §2333(d)(JASTA).
- COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11<sup>th</sup> Attacks Upon the United States in Violation of 18 U.S.C. §2333(a).
- COUNT III – Committing Acts of International Terrorism In Violation of 18 U.S.C. §2333
- COUNT IV – Wrongful Death
- COUNT V – Survival
- COUNT VI – Alien Tort Claims Act
- COUNT VII – Assault and Battery

- COUNT VIII – Conspiracy
- COUNT IX – Aiding and Abetting
- COUNT X – Intentional Infliction of Emotional Distress
- N/A COUNT XI – (Inadvertently Omitted)
- COUNT XII – Liability Pursuant to Restatement (Second) of Torts §317 and Restatement (Third) of Agency §7.05: Supervising Employees and Agents
- COUNT XIII – Liability Pursuant to Restatement (Second) of Torts §317 and Restatement (Third) of Agency §7.05: Hiring, Selecting, and Retaining Employees and Agents
- COUNT XIV – 18 U.S.C. §1962(a)-(d)-CIVIL RICO
- COUNT XV – Trespass
- COUNT XVI – Violations of International Law

Plaintiffs' constituent case shall be deemed subject to any motion to dismiss the Consolidated Amended Complaint or Answer to the Consolidated Amended Complaint filed by Saudi Arabia or the SHC. By way of filing this Notice, plaintiffs shall not be deemed to have adopted any class-action allegations set forth in the Consolidated Amended Complaint or waived any right to object to class certification or opt out of any certified class. This Notice also does not serve as a request for exclusion from any class that the Court may certify.

Dated this 28 day of June 2017.

Respectfully submitted,



ALLAN SAMUELS, ESQ.  
COUNSEL FOR PLAINTIFFS

LAW OFFICES OF ALLAN SAMUELS & ASSOCIATES, P.A.